

MINUTES OF THE REGULAR MEETING OF THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WILLOWBROOK HELD ON MONDAY, DECEMBER 10, 2007, AT THE VILLAGE HALL, 7760 QUINCY STREET, IN THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS.

1. CALL TO ORDER

The meeting was called to order at the hour of 7:35 p.m. by Village President Gary Pretzer.

2. ROLL CALL

Those present at roll call were Trustees Dennis Baker, Michael Mistele, Michael Brown, Robert Napoli, Paul Schoenbeck, Tim McMahon and Village President Pretzer. ABSENT: None. Also present were Village Clerk Leroy Hansen, Village Attorney Robin Jones, Village Administrator Phil Modaff, Chief of Police Edward Konstanty, Director of Finance Sue Stanish, Director of Municipal Services Timothy Halik, Planner Sara Hage and Administrative Intern Garrett Hummel.

A QUORUM WAS DECLARED

3. PLEDGE OF ALLEGIANCE

President Pretzer asked everyone to join him in saying the Pledge of Allegiance.

4. OMNIBUS VOTE AGENDA

- a. Waive Reading of Minutes (APPROVE)
- b. Minutes - Regular Board Meeting - November 26, 2007 (APPROVE)
- c. Warrants - December 10, 2007 - \$596,678.52 (APPROVE)
- d. Monthly Financial Report - November 30, 2007 - \$15,126,584.88 (ACCEPT)
- e. Motion to Approve - 2007 Roadway Maintenance Program - Partial Payment, Fahrner Asphalt Sealers, LLC - \$141,926.59 (APPROVE)

President Pretzer asked if any Board member wanted to remove any item(s) from the Omnibus Vote Agenda. No Board member wanted to remove any item(s) from the Omnibus Vote Agenda.

MOTION: Made by Trustee Mistele, seconded by Trustee Brown, to approve the Omnibus Vote Agenda.

ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

NEW BUSINESS

5. VISITOR'S BUSINESS (Public comment is limited to three minutes per person)

Peter Stratigos, of 201 Sunset Ridge Road, expressed his displeasure at the new Arc Disposal contract that starts on January 1, 2008. He urged the Board to adopt an alternative program. He also suggested that the Village could secure better rates by examining the books of the various vendors and educating them on how they could charge less to Willowbrook for their services and still make a profit.

6. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 13, CHAPTER 21 - IMPOSING CABLE AND VIDEO SERVICE PROVIDER AND PEG ACCESS SUPPORT FEES

President Pretzer requested that Agenda Item Nos. 6 and 7 be discussed at this.

Administrator Modaff advised the Village Board that Items 6 and 7 were the last two installments of the package brought to the Board related to the response to the State Cable Video Act of 2007.

The first item was regarding the Village's ability to collect fees from an authorized provider, which would be identical to the fees collected under the franchise agreement for cable services. In addition, if the Village develops public access channels in the future, it reserved the right to collect an additional one percent.

The second item is related to zoning code amendments that were required. The Plan Commission reviewed the proposed amendments and recommended that they brought to the Village Board for approval.

MOTION: Made by Trustee Napoli, seconded by Trustee Schoenbeck, to pass Ordinance No. 07-0-35.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

7. ORDINANCE - AN ORDINANCE AMENDING TITLE 9 OF THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK- ZONING ORDINANCE -- VARIOUS PROVISIONS

MOTION: Made by Trustee Napoli, seconded by Trustee Schoenbeck, to pass Ordinance No. 07-0-36.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

8. ORDINANCE - AN ORDINANCE AMENDING THE VILLAGE CODE OF THE VILLAGE OF WILLOWBROOK - TITLE 6, ADDING A NEW CHAPTER 10 - HEALTH AND SANITATION, SMOKING REGULATIONS: TITLE 1, SECTION 1-4-2, ADDING NEW SUBSECTIONS 1-4-2(B)15 AND 1-4-2(G)15 - VIOLATIONS WITH RESPECT TO SMOKING REGULATIONS

Chief Konstanty related that as of January 1, 2008 Smoke Free Illinois begins, which will restrict smoking in public places and places of employment. At the direction of the Public Safety Committee, a program was created to charge individuals violating provisions of the act under a local ordinance. The proposed ordinance would provide a Willowbrook Police Officer with three options with regard to violations to the act: 1) Provide a warning; 2) Issue a compromise ticket (\$50 fine); 3) Issue a state citation. The Public Safety Committee reviewed this ordinance and recommended it be brought to the Village Board for approval.

MOTION: Made by Trustee McMahon, seconded by Trustee Napoli, to pass Ordinance No. 07-0-37.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

9. ORDINANCE - AN ORDINANCE PROVIDING FOR THE ISSUANCE OF \$3,540,000 SPECIAL SERVICE AREA ONE UNLIMITED AD VALOREM TAX BONDS, SERIES 2007, OF THE VILLAGE OF WILLOWBROOK, DUPAGE COUNTY, ILLINOIS, AND PROVIDING FOR THE LEVY AND COLLECTION OF A DIRECT ANNUAL TAX FOR THE PAYMENT OF THE PRINCIPAL AND INTEREST ON SAID BONDS

Director Stanish noted that at the previous meeting, the Village Board approved the establishment of the Special Service Area for the

Town Center Development. The next phase is issuing bonds for the Special Service Area. The issuance of \$3,540,000 Series 2007 bonds would provide a premium that would give the Village \$4,006,413.35. Harlem Irving would then receive \$3,721,000 of this amount for public improvements such as storm sewers, street lights, for the Town Center Development. Based on the development agreement, Harlem Irving was to receive a minimum of \$3,500,000 in SSA proceeds. Since they will receive \$3,721,000, the Sales Tax Sharing Note with Harlem Irving will be reduced by \$421,000 from \$1,670,000 to \$1,249,000.

MOTION: Made by Trustee Baker, seconded by Trustee Brown, to pass Ordinance No. 07-0-38.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

10. MOTION - A MOTION TO APPROVE THE CALENDAR YEAR 2008 PAYMENT TO IRMA AND TO AUTHORIZE THE APPLICATION OF MONIES FROM THE VILLAGE'S EXCESS SURPLUS FUND TO THE 2008 PREMIUM AND TO APPROVE THE DISTRIBUTION OF THE CREDIT AMOUNT TO THE ELIGIBLE EMPLOYEES

Administrator Modaff noted that the Village Board had previously discussed the Safety Incentive Program, to retain the safety bonus but eliminate the safety day. The Village had received an estimated credit amount of \$37,000. The Board was requested to approve the payment to IRMA in the amount of \$149,831.00, to draw \$16,400 from the excess surplus fund and to approve the distribution of the credit amount to the eligible employees.

Trustee Napoli suggested consideration in the future of distributing the credit only to eligible non-union employees in an amount that would equal the union employees' longevity provision and then return the excess credit to the general fund.

Trustee Schoenbeck requested the Staff to provide what the cost of the safety day for the employees would be in a dollar amount.

MOTION: Made by Trustee McMahon, seconded by Trustee Napoli, to approve the Calendar Year 2008 payment to IRMA and to authorize the application of monies from the Village's excess surplus fund to the 2008 premium and to approve the distribution of the credit amount to the eligible employees.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

11. RESOLUTION - A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE A CERTAIN AGREEMENT AND RELATED DOCUMENTS - BANK ONE TRUST COMPANY, N.A., AS TRUSTEE OF THE BORSE LEASED REAL ESTATE TRUST UNDER THE ANTON G. BORSE DECLARATION OF TRUST

Administrator Modaff informed the Village Board that the agreement before them would allow for the 75th Street Extension to go through.

MOTION: Made by Trustee Mistele, seconded by Trustee Napoli, to adopt Resolution No. 07-R-61.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

OLD BUSINESS

12. COMMITTEE REPORTS

Trustee McMahon had no report.

Trustee Baker had no report.

Trustee Mistele noted that minutes of the Municipal Services Committee meeting were in the packet for information only.

Trustee Brown had no report.

Trustee Napoli informed the Village Board that a "Support Our Troops Program" that Chief Konstanty and the Willowbrook/Burr Ridge Chamber of Commerce came up with and he had been asked to Chair this program. The Willowbrook Police Department was a collection point and it proved to be a great success. Trustee Napoli thanked Trustee Schoenbeck for providing a truck to transport the over two hundred boxes of items that were collected. Trustee Napoli expressed his appreciation to Chief Ed Konstanty, who spearheaded the project, and Police Secretary Debbie Hahn, who organized the day to day activity of the project, for all of their hard work and efforts to make this program the success it was.

Trustee Napoli noted that the buildings near the Sports Authority in the Town Center are finished but the windows appear to be boarded up. He inquired if the windows will be put in? Director Halik responded that the windows and will be installed when the aluminum frames come in, which are on back order.

Trustee Napoli expressed concern that the corner of Route 83 and Plainfield Road is very dark. He questioned if special lighting should be installed and he thought the developer should provide a lighted sign in that location identifying the project as Willowbrook's Town Center.

Trustee Schoenbeck had no report.

13. ATTORNEY'S REPORT

Village Attorney Jones had no report.

14. CLERK'S REPORT

Village Clerk Hansen had no report.

15. ADMINISTRATOR'S REPORT

A) DISCUSSION - December 17, 2007 Meeting

Administrator Modaff recommended that since there are no agenda items scheduled for the meeting of December 17, 2007, the Board cancel the meeting.

MOTION: Made by Trustee Napoli, seconded by Trustee McMahon, to cancel the meeting scheduled for December 17, 2007.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli, Schoenbeck and McMahon; NAYS: None; ABSENT: None.

MOTION DECLARED CARRIED

Administrator Modaff advised the Board that the workshop to discuss the Personnel Manual will be held on Monday, January 7, 2008.

Administrator Modaff introduced the new Administrative Intern, Garrett Hummel, to the Board.

16. EXECUTIVE SESSION

President Pretzer asked for a motion to adjourn into Executive Session to discuss land acquisition.

MOTION: Made by Trustee Schoenbeck, seconded by Trustee Brown, to adjourn into Executive Session to discuss land acquisition at the hour of 8:23 p.m.

PREVIOUS ROLL CALL VOTE: AYES: Trustees Baker, Mistele, Brown, Napoli and Schoenbeck; NAYS: None; ABSENT: Trustee McMahon.

MOTION DECLARED CARRIED

SEE APPROPRIATE EXECUTIVE SESSION MINUTES

PRESENTED, READ and APPROVED,

_____, 2008

Village President

Minutes transcribed by Mary Partyka.